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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,967	09/26/2005	Heinrich Franz Bartosik	AT 030013	6112
24737	7590	09/09/2009	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			PULLIAS, JESSE SCOTT	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2626	
MAIL DATE		DELIVERY MODE		
09/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/550,967 Examiner JESSE S. PULLIAS	Applicant(s) BARTOSIK ET AL. Art Unit 2626
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—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 31 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires ____ months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) They raise the issue of new matter (see NOTE below);
- (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fail to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet

12. Note the attached *Information Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____

13. Other: _____

/Jesse S. Pullias/
Examiner, Art Unit 2626

/Vijay B. Chawan/
Primary Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because: The arguments on pages 6-9 of the Remarks have been fully considered but are not persuasive. The Remarks, on page 7, argue that Gould fails to teach or suggest the limitation from claim 1 "at least some of the plurality of entries in the lexicon of alternatives are updated based on information about at least one previous correction made by the correction device." This assertion is based on the reasoning on pages 7-8 of the Remarks that "When the system of Gould determines that a modification was made to correct a speech recognition error, the speech models (not the vocabulary) are retrained to improve future speech recognition, but the entries in the vocabulary 40-48 remain unchanged". This reasoning is not supported by Fig. 3 of Gould. For example, Common Vocabulary 48 is shown in the figure to include speech models 48a as well as words 48b as components of the vocabulary. If the speech models 48a are part of common vocabulary 48 as shown in Fig 3, the vocabulary 48 does not remain unchanged when the speech models 48a are retrained. Further, the set of speech models 48a and words 48b may be fairly considered "entries" in the vocabulary 48 in the same sense that e.g. the words in a dictionary and their corresponding definitions are considered to be the "entries" of a dictionary. Therefore, updating the speech models 48a may be fairly considered to teach "at least some of the plurality of entries in the lexicon of alternatives are updated" as required by e.g. claim 1. For at least these reasons, along with the reasons found in the Final Rejection mailed 06/29/09, the arguments on pages 6-9 of the Remarks are not persuasive..

/Vijay B.Chawan/
Primary Examiner, Art Unit 2626